

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Michael Joseph Kearns,

Plaintiff,

v.

U.S. Bank National Association, et al.

Defendants.

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Miscellaneous No. 10-76 (JNE/JJG)

**REPORT AND  
RECOMMENDATION**

A Writ of Mandamus to Clerk, Notice of Removal, Writ of Mandamus to Judge Acting in Capacity of Magistrate, and Suitor's Court Rules were filed in this case on October 18, 2010.

When no proof of service or answer was filed or other appearance made within the time required by the rules, this Court issued an order on February 18, 2011, which by its terms required plaintiff to take certain action.

To date, plaintiff has not complied with the terms of that order. Based upon the foregoing,

**IT IS RECOMMENDED** that the case be **DISMISSED** for lack of prosecution.

DATED: June 9, 2011

s/ Jeanne J. Graham

JEANNE J. GRAHAM

United States Magistrate Judge

### NOTICE

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **June 24, 2011**. A party may respond to the objections within ten (10) days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.